

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

29612

FILE: B-216671

DATE: October 19, 1984

MATTER OF: Scott Fishman Company

DIGEST:

Protest that a solicitation contained improprieties is dismissed as untimely because it was not filed prior to the time set for receipt of proposals.

Scott Fishman Company (Scott) protests the award of a contract to any company other than itself under solicitation No. GS-03F-40156, issued by the General Services Administration (GSA) for the installation of a card access and alarm system in a federal office building in Baltimore, Maryland. Scott asserts that the specifications are unduly restrictive and that it is "the low bidder" and entitled to award. We find the protest to be untimely.

The closing date for receipt of proposals was September 28, 1984. Scott did not protest, however, until October 3. Under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1984), a protest against alleged improprieties in a solicitation must be filed prior to the time set for receipt of proposals. Thus, the protest of the specifications filed here on October 3 is untimely.

With respect to Scott's assertion that it is entitled to award, Scott does not indicate that in fact its offer has been rejected. We assume from the nature of the protest, however, that Scott believes the offer will be rejected because its system does not meet the specifications even though Scott believes its equipment will satisfy the agency's needs. The simple answer to that concern is that offers, to be accepted, must be consistent with the specifications. As indicated above, any objection Scott has to the specifications should have been raised prior to the deadline for receipt of proposals.

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The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel